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Paper No. 29

In re Application of :
Luis J. Rodriguez : DECISION ON PETITION
Application No. 09/978,215 :
Filed: October 15, 2001 :
For: Self Sealing Letter Sheets :

This is a decision on the petition under 37 CFR 1.181(a)(3) filed by facsimile transmission on May 12, 2003. No fee is required for the petition.

The petition is dismissed as being untimely filed.

Petitioner is requesting by this petition a statement that petitioner is entitled to entry of amendment C filed on October 17, 2002 into the record, entry of that amendment, entry of amendment B filed on August 24, 2002, entry of Affidavit 4 and any other action thought by the Commissioner to be fair.

A review of the record shows that all actions complained of in this petition, and for which relief is requested, occurred not later than October 17, 2002, almost seven full months prior to the filing of the instant petition. 37 CFR 1.181(f) states:

"The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable."

The instant petition does not provide any compelling rationale for the consideration of the merits of this petition almost seven months (or even longer) subsequent to the actions complained above. Petitioner's comments regarding the inconsistencies that may exist in the appeal brief due to the non-entry of certain papers fail to take into consideration that the brief was filed on March 7, 2003, and petitioner had more than ample time within the constraints of 37 CFR 1.181(f) to have timely filed a petition and to have received a decision with respect to such relief prior to filing maximum deadline permitted by regulation for filing the appeal brief. The requested relief will not be granted.

This application is being forwarded to the examiner for treatment of the appeal brief filed on March 7, 2003.

PETITION DISMISSED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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